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Letter dated 1 June 2016 from the Permanent Representative of Poland to the United Nations addressed to the Chair of the Committee

On behalf of the Government of the Republic of Poland, I have the honour to submit relevant information on measures undertaken by the Republic of Poland in order to implement provisions of Security Council resolution 2270 (2016), in accordance with paragraph 40 thereof (see annex).

I would also like to emphasize that the Government of Poland remains at the disposal of the Security Council for any matters that may require further clarification.

(*Signed*) Bogusław **Winid**
Ambassador

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Annex to the letter dated 1 June 2016 from the Permanent Representative of Poland to the United Nations addressed to the Chair of the Committee

Report to the Security Council Committee established pursuant to resolution 1718 (2006) on measures undertaken by the Republic of Poland in order to implement resolution 2270 (2016)

Poland unequivocally voiced its support for Security Council resolution 2270 (2016), which further expanded economic sanctions already imposed on the Democratic People's Republic of Korea (DPRK). On 27 May 2016, within the European legislative framework, the Council of the European Union adopted additional restrictive measures against the DPRK. These measures complement and reinforce the sanctions regime imposed by the Security Council in resolutions against the DPRK during the past several years.

The system of sanctions imposed by the Security Council is being implemented by the European Union in a uniform manner through the adoption of relevant legislation such as decisions and regulations issued on the basis of article 29 of the Treaty on European Union and article 215 of the Treaty on the Functioning of the European Union. It should be emphasized that these measures constitute an essential part of the European Union foreign policy tool used to pursue objectives in accordance with the principles of its Common Foreign and Security Policy. It should be noted that, from a legal perspective, European Union regulations have a direct binding effect on all persons and entities, with no requirement to be implemented through national legislation, unless stipulated otherwise. However, this may only be applicable to precise provisions, where member States are explicitly given latitude to cover specific issues at the national level.

As a member of the European Union, the Republic of Poland implements the provisions of resolution 2270 (2016) by applying relevant European Union legislation at the national level. It should be underscored that the European Union regards the activities of the DPRK as significant threats to global security and, therefore, the comprehensive legislative package introducing stringent restrictive measures against the DPRK has been adopted for the past decade, with Council Regulation (EC) No. 329/2007 of 27 March 2007 concerning restrictive measures against the Democratic People's Republic of Korea, amended accordingly in order to enshrine the measures undertaken by the Security Council.

On 2 March 2016, in response to the nuclear test conducted by the DPRK on 6 January 2016 and the launch using ballistic missile technology on 7 February 2016, the Security Council adopted resolution 2270 (2016), imposing additional restrictive measures against the DPRK. On 5 and 31 March 2016, the Council of the European Union transposed that resolution into law. Poland actively joined the European Union in its efforts by creating its own autonomous set of sanctions, adopted on 27 May 2016. These measures complement and reinforce the sanctions regime imposed by the Security Council.

Considering that the actions of the DPRK constitute a grave threat to international peace and security in the region and beyond, the European Union decided to further expand its restrictive measures targeting DPRK nuclear-,

weapons of mass destruction- and ballistic missile-related programmes. These additional measures include the following:

(a) In the trade sector: a prohibition on importing petroleum products and luxury goods from the DPRK, a prohibition on the supply, sale or transfer to the DPRK of additional items, materials and equipment relating to dual-use goods and technology and a ban on any public financial support for trade with the DPRK;

(b) In the financial sector: a prohibition on transfers of funds to and from the DPRK, unless for certain predefined purposes and authorized in advance;

(c) In terms of investment: a prohibition on all investment by the DPRK in the European Union and a prohibition on investment by European Union nationals or entities in the mining, refining and chemical sectors, as well as in any entities engaged in the illegal programmes of the DPRK;

(d) In the transport sector: a prohibition on any aircraft operated by DPRK carriers or originating in the DPRK from landing in, taking off from or overflying European Union territory and a prohibition on any vessel owned, operated or crewed by the DPRK from entering European Union ports.

As indicated above, restrictive measures against the DPRK were introduced by the European Union nearly 10 years ago. The existing measures implement all Security Council resolutions adopted following DPRK nuclear tests and launches using ballistic missile technology and already include additional autonomous measures. Prohibitions on the export and import of arms, goods and technology that could contribute to nuclear-, weapons of mass destruction- and ballistic missile-related programmes, as well as other restrictions in the financial, trade and transport sectors, were already in force.

Moreover, it should be noted that any activity potentially related to the DPRK is subject to enhanced scrutiny by competent national authorities such as customs services and border guards, acting within their statutory remit. Poland also has in place a relevant system of licensing and control for both dual-use items and strategic goods. In addition, financial market entities follow the statements issued by the Financial Action Task Force identifying the DPRK as a high-risk and non-cooperative jurisdiction, and in order to mitigate the risk, they apply enhanced due diligence measures to global transactions that might, even indirectly, be linked with the DPRK.

Taking into consideration the aforementioned, Poland firmly believes that it is acting fully in line with international obligations. It should be underscored that Polish authorities analyse any possible additional steps that may by undertaken at the national and international levels to strengthen measures imposed against the DPRK.